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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

In the matter of:

Case No.: 2:22-cv-01856 DJC-AC

**DIANA SANTOS and EDWARD CHAVEZ**  
Plaintiffs,

**STIPULATION AND ORDER TO AMEND  
SCHEDULING ORDER**

v.

**DRAKE WIEST, in his individual  
capacity and in his official capacity as  
a police officer for CITY OF FAIRFIELD;  
and DOES 1-50, inclusive, individually  
and in their official capacities as peace  
officers for CITY OF FAIRFIELD, jointly  
and severally,**

Defendants.

All parties, by and through their counsel of record, submit this Stipulation and Proposed Order wherein they stipulate as set forth below and hereby move this Court to amend its Scheduling Order, entered on June 6, 2024 (Document 20). The parties stipulate that good cause exists to amend the operative scheduling order as indicated below.

WHEREAS, the parties have met and conferred about the expert disclosure deadline and are interested in participating in some form of ADR at this stage of the case, after fact discovery has closed, prior to expert disclosure/discovery.

WHEREAS there is potential to discuss resolution of the case without the parties incurring the costs of expert disclosure, the parties are requesting brief extensions of the deadlines in the court's scheduling order to provide the parties additional time to explore resolution without expert disclosure.

WHEREAS, good cause exists to amend the operative scheduling order to allow the parties adequate time to perform ADR of the case without incurring unnecessary costs. The parties have not yet had ADR in this matter.

WHEREAS, no party will be prejudiced by the proposed extension below and good cause is supported by this stipulation.

WHEREAS, the parties propose the following new dates, subject to the Court's approval.

| Event  | Current Deadline              | Proposed Deadline                    |
|--|-------------------------------|--------------------------------------|
| Expert Disclosures                               | September 20, 2024            | <b>January 8, 2025</b>               |
| Rebuttal Expert Disclosures                      | October 11, 2024              | <b>January 29, 2025</b>              |
| Expert Discovery Cut-Off                         | November 8, 2024              | <b>March 28, 2025</b>                |
| Last day to File Dispositive and Daubert Motions | December 5, 2024              | <b>April 25, 2025</b>                |
| Dispositive Motion Hearing                       | January 9, 2025 at 1: 30 p.m. | <b>May 29, 2025 at 1:30 p.m.</b>     |
| Pretrial Conference                              | April 10, 2025 at 1:30 p.m.   | <b>August 28, 2025 at 1:30 p.m.</b>  |
| Jury Trial                                       | June 2, 2025 at 8:30 a.m.     | <b>October 20, 2025 at 8:30 a.m.</b> |

**IT IS SO STIPULATED**

The parties attest that concurrence in the filing of these documents had been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document

**Dated:** September 20, 2024

**Law Offices of Justin Kirk Tabayoyon**

By: /s/ Justin Kirk Tabayoyon

**Justin Kirk Tabayoyon**

Attorneys for Plaintiffs

**Diana Santos and Edward Chavez**

**Dated:** September 20, 2024

**MCNAMARA, AMBACHER, WHEELER,  
HIRSIG & GRAY LLP**

By: /s/ John J. Swafford

**Noah G. Blechman**

**John J. Swafford**

Attorneys for Defendant

**Drake Wiest**

**ORDER**

Pursuant to the stipulation of the parties, and with good cause appearing therefor, IT IS  
HEREBY ORDERED that the Scheduling Order in this case be modified as follows:

| Event   | Amended Deadline              |
|---|-------------------------------|
| Expert Disclosures                                  | January 8, 2025               |
| Rebuttal Expert Disclosures                         | January 29, 2025              |
| Expert Discovery Cut-Off                            | March 28, 2025                |
| Last day to File Dispositive<br>and Daubert Motions | April 25, 2025                |
| Dispositive Motion Hearing                          | May 29, 2025 at 1:30 p.m.     |
| Pretrial Conference                                 | August 28, 2025 at 1:30 p.m.  |
| Jury Trial  | October 20, 2025 at 8:30 a.m. |

**IT IS SO ORDERED**

Dated: September 20, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE